

'Hit Man' Book Not Protected, Panel Says

11/11/97
By Ellen Nakashima
Washington Post Staff Writer

RICHMOND, Nov. 10—A federal appeals court panel ruled today that a book on how to be a professional hit man isn't protected by the First Amendment if someone uses the advice to commit murder.

The three-judge panel's decision, which reverses a lower court ruling, allows the families of murder victims Mildred Horn; her son, Trevor; and Trevor's nurse, Janice Saunders to proceed with a civil lawsuit against Paladin Press of Boulder, Colo. The company sold its book, "Hit Man: A Technical Manual for Independent

Contractors," to the man convicted of killing the three in Silver Spring in March 1993.

"They're extremely happy about this decision," said Howard Siegel, of Rockville, an attorney for the families. "This decision says that if you're in the business of helping instruct murderers on how to slaughter innocent women and children, you aren't going to find any shelter in the First Amendment."

Paladin Press will ask the full U.S. 4th Circuit Court of Appeals to review the panel's decision and will seek review by the Supreme Court if necessary, attorney Lee Levine said.

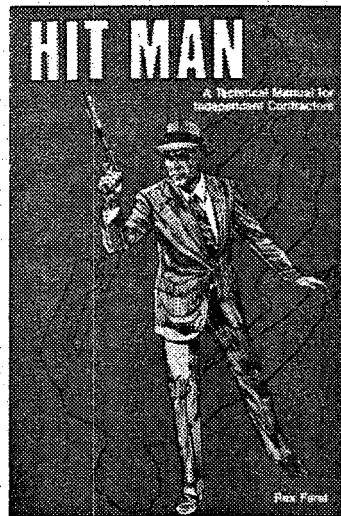
"It appears that the 4th circuit, unlike the

trial court, did not sufficiently take into account the First Amendment implications of holding the publisher of a book legally responsible for actions of someone reading the book," Levine said.

He predicted that if upheld, the ruling would intensify a trend of lawsuits against movie producers, book publishers and others trying to hold them responsible "for crimes, accidents and injuries and other perceived ills of the world."

The case has been watched closely by publishers and First Amendment lawyers. The Washington Post Co., the New York Times Co. and other media organizations filed briefs supporting Paladin's position.

See HIT MAN, B4, Col. 1



"Hit Man: A Technical Manual for Independent Contractors" was used by a man convicted of killing three people in Silver Spring in March 1993.

Ruling Clears Way for Civil Suit Against 'Hit Man' Publisher

HIT MAN, From B1

The families' lawsuit was supported by briefs from victim rights groups such as the National Victim Center.

No one disputes that Paladin sold the 130-page paperback to James Edward Perry or that Perry followed some of its advice when he killed Mildred and Trevor Horn and Saunders. Perry, convicted in 1995, is on death row.

Lawrence T. Horn, Mildred's ex-

husband and Trevor's father, was sentenced to life in prison for hiring Perry for the killings. His motive was to collect \$1.7 million from a malpractice settlement that Trevor, 8, had won against a hospital after an accident left him a quadriplegic.

In 1996, U.S. District Judge Alexander Williams ruled that the victims' families could not hold Paladin liable for aiding the murder because the First Amendment's guarantee of free speech is so strong.

The appeals panel's ruling today reversed that decision and sent the case back to district court for trial.

In so doing, the panel decried Paladin's "remarkable stipulations that it knew that its murder manual would be used by murderers . . . to assist them in the planning, commission and coverup of their crimes."

"The Supreme Court," the panel said, "has never protected as abstract advocacy speech so explicit in its palpable entreaties to violent crime."